

AMAGANSETT NATIONAL WILDLIFE REFUGE

APRIL 22, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 1836]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1836) to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1836 is to authorize the Secretary of the Interior to acquire property in the Town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

BACKGROUND AND NEED FOR LEGISLATION

The measure would allow the Secretary of the Interior to acquire a 98-acre ocean-front parcel of land in Montauk, East Hampton Town, New York, known as Shadmoor. The land would be added to the Amagansett National Wildlife Refuge, which is part of the Long Island Refuge Complex located ten miles to the west. The Town of East Hampton owns a 20-acre parcel of land adjacent to the eastern boundary of the Shadmoor property.

Currently, title to the Shadmoor property is held by private individuals who are interested in developing a housing project on this site. In fact, the owners are proposing to build 14 homes and have a development permit pending before the Town of East Hampton.

The Shadmoor Parcel contains one of the largest populations of New York State's most endangered plant, the sandplain gerardia. The sandplain gerardia lives in only 12 places in the world, and four of these locations are on Long Island. In addition, this property has six other rare plants, including the grassleaf ladies tresses orchid and the New England blazing star, and it has bunkers built in World War II to defend against attacks from the Atlantic Ocean.

The Shadmoor property consists mostly of maritime shrubland, about 15 acres of freshwater wetlands, and a remnant of about two acres of maritime grasslands. The maritime shrub community is characterized by shadbush, highbush blueberry, beach plum, bayberry and eastern red cedar.

The U.S. Fish and Wildlife Service has been interested in this property for a number of years. In fact, Shadmoor was targeted for acquisition in the Service's 1991 Northeast Coastal Areas Study. To date, they have lacked the financial resources to buy this 98-acre parcel of land.

On November 3, 1995, the East Hampton Town Board approved a resolution indicating their commitment to share the acquisition cost of the Shadmoor property with the Fish and Wildlife Service. The Service's regional office provided the following information on the partnership aspects of this proposal:

The Shadmoor property may appraise for as much as 4-5 million dollars. Region 5 recognized that we cannot and would not request this much funding for the parcel given other important land acquisition needs and funding realities. We understood from the onset that protection of this site would require partners such as the Town of East Hampton and The Nature Conservancy. The Town of East Hampton passed Resolution #945 on November 8, 1995, stating it "will financially contribute a portion of the acquisition cost. . . ." The Town also "urges the USFWS to commit a \$2 million appropriation. . . ." The Town and its citizens are very committed to preserving the open space and will undoubtedly contribute \$1 million plus to protection of this site. The South Fork Chapter of The Nature Conservancy has also stated it will fund raise to provide funds for acquisition. These are two serious partners that can contribute at least half of the acquisition costs. The owners would prefer to sell the property to conservation interests and may be willing to sell at a bargain sale for tax purposes. This is a critical site for recovery of the endangered sandplain gerardia, and we have solid partners to work with to accomplish our objectives.

Protection of the Shadmoor site will meet one of the resource priorities for the Hudson River/New York Bight Ecosystem Plan, which is to protect sandplain grasslands. There has been no comprehensive management plan prepared for Amagansett National Wildlife Refuge, nor is one planned for the near future.

A significant portion of the Shadmoor property consists of wetland areas. The presence of those wetlands may restrict commercial development of the site and, in turn, reduce the property's commercial value. The Committee expects the Service to take any such de-

velopment restrictions into consideration when appraising Shadmoor. The Service should not pay more than the property's commercial value.

COMMITTEE ACTION

H.R. 1836 was introduced on June 14, 1995, by Congressman Michael P. Forbes. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On December 14, 1995, the Subcommittee held a hearing on H.R. 1836. Testifying in support of the bill were: Congressman Michael T. Forbes; Dr. Robert P. Davison, Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior; the Honorable Catherine H. Lester, Supervisor, Town of East Hampton, New York; Ms. Carol Morrison, Former President, Concerned Citizens of Montauk; and Dr. Stuart Lowrie, Peconic Bioreserve on Long Island.

On March 14, 1996, the Subcommittee on Fisheries, Wildlife and Oceans met to markup H.R. 1836 and ordered it reported favorably, without amendment, to the Full Committee on Resources by voice vote.

On March 28, 1996, the Committee on Resources met to consider H.R. 1836. There were no amendments and the Committee ordered the bill reported to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1—Authority to acquire property for inclusion in the Amagansett National Wildlife Refuge

(a) **AUTHORITY TO ACQUIRE PROPERTY**—The Secretary of the Interior may acquire, for inclusion in the Amagansett National Wildlife Refuge, the area known as the Shadmoor Parcel, consisting of approximately 98 acres located in the Town of East Hampton, New York.

(b) **MANAGEMENT OF ACQUIRED INTERESTS**—Lands and interests acquired by the United States shall be managed by the Secretary of the Interior as part of the Amagansett National Wildlife Refuge.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1836 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1836. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1836 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. H.R. 1836 would affect direct spending if USFWS accepts and uses funds contributed by the Town of East Hampton or others to purchase the Shadmoor Parcel. However, the agency is already authorized to do so under current law and any such transactions would offset each other.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1836.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1836 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1836, a bill to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge. H.R. 1836 was ordered reported by the House Committee on Resources on March 28, 1996. The costs of implementing this bill are highly uncertain because they would depend on the outcome of property appraisals that have not yet been completed and on future cost-sharing negotiations with local officials and conservation groups. Based on the information available at this time and assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend between \$5 million and \$8 million within the next two years to purchase all of the property authorized to be acquired by this bill. Federal spending would be less if local governments or other organizations contribute a portion

of the project's total cost. We estimate that annual expenses subsequent to purchase of the land would be between \$50,000 and \$100,000, also assuming appropriation of the necessary sums.

Implementing H.R. 1836 could affect direct spending; therefore pay-as-you-go procedures would apply to the bill. However, CBO estimates that there would be no net impact on mandatory spending. For purposes of this estimate, CBO has assumed that H.R. 1836 will be enacted during fiscal year 1996 and that whatever amounts are necessary for land acquisition would be appropriated within the following one or two years.

H.R. 1836 would authorize the Secretary of the Interior to acquire a 99-acre tract of land known as the Shadmoor Parcel in Suffolk County, New York. The acquired property would be managed by the U.S. Fish and Wildlife Service (USFWS) as part of the Amagansett National Wildlife Refuge. Although formal appraisals of the Shadmoor Parcel have not yet been completed, CBO estimates that the federal government would spend between \$5 million and \$8 million to purchase the entire property. This estimate is based on information obtained from local officials, land owners, and conservation groups. Under a recent proposal by the town of East Hampton, some portion of the cost would be contributed by the town. In addition, some of the property might be purchased by the Nature Conservancy for subsequent sale or donation to the USFWS. At this time, CBO cannot predict how much these cost-sharing measures might reduce federal spending for this project.

Once the Shadmoor Parcel has been acquired by the USFWS, the agency would spend between \$50,000 and \$100,000 annually to maintain the site and make payments to local governments under the Refuge Revenue Sharing Act.

Enacting H.R. 1836 could affect direct spending if the USFWS accepts and uses funds contributed by East Hampton or others to purchase some of the Shadmoor Parcel, as agency is authorized to do under existing law. However, any such transactions would offset each other, resulting in no net change in mandatory spending.

H.R. 1836 contains no intergovernmental or private sector mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments. The town of East Hampton, New York, has indicated its intention to share in the cost of acquiring the Shadmoor property, but such participation would be voluntary and not an enforceable duty imposed by this bill.

On April 18, 1996, CBO also prepared a cost estimate for S. 1422, as ordered reported by the Senate Committee on Environment and Public Works on March 28, 1996. The two bills, and the CBO estimates, are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis, and for the state and local government impact, Majorie Miller.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, *Director*).

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1836 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 1836 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 1836.

